

REMARKS

New claims 15 – 18 are pending in the above-referenced application. No new matter has been added. The following background discussion provides some context for the patentability of these claims. For example, as set forth on pages 1 through 4 of the specification, it was known to provide optical disks having mastered contents such as audio CDs. It was problematic, however, to include both mastered content and writeable areas on the same optical disk. Applicant has solved this dilemma and provided an optical disk having both mastered content and user-writeable areas that may both be accessed using a single wavelength optical train.

In conjunction with providing this long-sought optical disk, Applicants have developed innovative distribution schemes using their inventive disk. For example, rather than tightly couple distribution of content and payment for that content together such as in the conventional marketing of audio CDs at music stores and the like, a content provider may distribute the inventive disks discussed above without needing payment. As set forth, for example, on pages 10 through 14 with respect to Figure 2, the mastered content is only unlocked after writing license information onto the writeable portion of the disk. This license information is compared to license criteria. If the comparison is satisfactory, the mastered content may be decrypted such that a user has access to it. These inventive features are reflected in claim 15 for a “an optical disk including an information layer having a first region containing mastered content and a second region which is user writeable” and include the acts of “recording license information in the second region; comparing the license information to license criteria; and permitting access to at least a portion of the mastered content responsive to the comparison of the license information to license criteria.”

The prior art stands in sharp contrast to such an advantageous method. For example, the Gotoh reference (USP 6,052,465) discloses only the laser trimming of a reflective film in the form of a barcode label for an optical disk (see, e.g., the abstract). There is fundamentally opposed to Applicants' method, wherein license information is written onto the second region (user writeable) in the disk's recording layer. Instead, because Gotoh is laser trimming a bar code label, this trimming is only done at the time of manufacture: see, e.g., Col. 31, lines 36-66 which describes this trimming in conjunction with manufacture at

the press factory, see also Figure 1. This is critical because there can then be NO decoupling of distribution and payment: the purchaser of a Gotoh disk has no way of writing the license information such that payment must be made at the time of distribution. Accordingly, claim 15 is patentable over Gotoh.

Because claims 16 through 18 depend upon claim 15, they are patentable over Gotoh for at least the same reasons. Discussion of each claim follows:

Claim 16 limits claim 15 by describing the mastered content as being parallel written as set forth, for example, on page 4, line 14.

Claim 17 limits claim 15 by describing the optical disk as being a first surface optical disk as set forth, for example, on page 7, line 6.

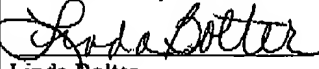
Claim 18 limits claim 15 by describing the second region as comprising a phase change layer as set forth for example, on page 4, line 4.

CONCLUSION

For the above reasons, pending Claims 15 – 18 are in condition for allowance and allowance of the application is hereby solicited. If the Examiner has any questions or concerns, a telephone call to the undersigned at (949) 752-7040 is welcomed and encouraged.

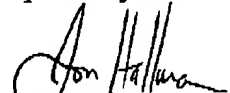
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Linda Bolter

August 26, 2004
Date of Signature

Respectfully submitted,


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